

Exhibit F

Volume: I

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

----- x
HEATHER KIERNAN,

Plaintiff,

v.

CA No. 10131MLW

ARMORED MOTOR SERVICES OF AMERICA, INC.

And FRANCESCO CIAMBRIELLO,

Defendants.
----- x

DEPOSITION OF FRANCESCO CIAMBRIELLO

Thursday, April 7, 2005

10:00 a.m.

McLeod Law Offices, P.C.

77 Franklin Street

Boston, Massachusetts 02110

Reporter: Carol A. Pagliaro, CSR/RPR/RMR

CERTIFIED ORIGINAL
LEGALINK BOSTON

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I N D E X

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E X H I B I T S

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	AMSA	40
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4	Sexual Harassment Policy	56
5	Attleboro Police Department Statement	
	of Rights	155

*Original exhibits attached to original transcript.

P R O C E E D I N G S

Stipulation

It is stipulated by and between counsel for the respective parties that Motions to strike and objections, except those as to form, are reserved until the time of trial. It is further stipulated that the witness may sign the deposition under the pains and penalties of perjury, rather than before a notary public, within 30 days of receipt by his attorney.

FRANCESCO CIAMBRIELLO

a witness called for examination by counsel for the Plaintiff, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY ATTY. MCLEOD:

Q. Could state your name for the record, please?

A. Francesco Ciambriello.

Q. And because I have seen it spelled differently, and it could be my fault, too, could you please spell your first name for me?

A. The first name is F R A N C -- S C E -- S O -- C O, something like...

1 English?

2 A. Nothing.

3 Q. Nothing. How did you learn?

4 A. Talk to people, read a little bit of paper.

5 Q. No formal training?

6 A. No.

7 Q. Have you ever taken English classes here in
8 the U.S.

9 A. No.

10 Q. How would you describe your reading, your
11 English reading skills?

12 A. Bad.

13 Q. Do you read the paper?

14 A. Yes.

15 Q. English paper?

16 A. Yes.

17 Q. Do you read English books, English written
18 -- books in English?

19 A. No, just newspaper.

20 Q. When you say it's bad, can you tell me what
21 you mean when you say it's bad?

22 A. A lot of time I read some words that I don't
23 understand what it means.

24 Q. Is it fair to say that that is not

1 information you tend to volunteer to people? Do you
2 know what I mean?

3 A. I don't understand the question.

4 Q. Without being asked do you tell people that
5 you have, in your words, bad English skills?

6 A. Yes.

7 Q. You do?

8 A. Yes.

9 Q. Without being asked?

10 A. Yes.

11 Q. Did you tell AMSA you had bad English
12 skills?

13 A. No.

14 Q. Was Loomis Wells Fargo aware that you had,
15 in your words, bad English skills?

16 ATTY. ROMANTZ: Objection.

17 Q. Did you tell them?

18 A. No.

19 Q. Are you a citizen of the U.S.

20 A. Yes.

21 Q. When did you become a citizen?

22 A. '78 or '79.

23 Q. There is like an exam, so to speak, when you
24 are becoming a citizen, isn't there?

1 A. Yes.

2 Q. And the date that appears, 3/29/01, is that
3 in your handwriting?

4 A. Yes.

5 Q. Drawing your attention back to Exhibit 2,
6 which was the Introductory Period Memo, were Exhibit
7 4 and Exhibit 2 signed by you on the same day?

8 A. Yes.

9 Q. And did you understand Exhibit 4 when you
10 signed it?

11 A. Yes.

12 Q. Was anything explained to you about the
13 content of Exhibit 4 before you signed it?

14 A. No.

15 Q. Did you have any discussions with anybody
16 about the information that is contained in Exhibit
17 4?

18 A. No.

19 Q. Did you ever have any questions about what
20 you were signing when you signed Exhibit 4?

21 A. No.

22 Q. When you were at Wells Fargo were you
23 required to sign any document with regard to sexual
24 harassment?

1 A. Yes, boring.

2 Q. Is there a place that you would typically
3 hang out or would you, during that 4 or 5 hour
4 period, just kind of sit in one location?

5 A. Yes, sit by the phone.

6 Q. So after everyone left, after all the
7 drivers and messengers went out, you were alone for
8 about 4 or 5 hours, and then Heather Kiernan showed
9 up to work?

10 A. Yes.

11 Q. What was she wearing that day?

12 A. I don't remember.

13 Q. Prior to that day had you ever had any
14 discussion with her about her having a baby?

15 A. No.

16 Q. Ever have any discussions with her about her
17 husband prior to that day?

18 A. Yes.

19 Q. So what discussions did you have with her
20 prior to that day about her and her husband?

21 A. She was telling me the husband no love her,
22 he no take care of her, he is really bad, watching
23 video porn, smoke pot.

24 Q. She was saying these things about her

1 husband?

2 A. To me, yes. And she said she wasn't happy
3 and he never make her happy.

4 Q. Anything else?

5 A. And she want a divorce, and she goes over to
6 Jason Khoury, tell him all the time she want a
7 divorce.

8 Q. She did, she told Jason Khoury she wanted a
9 divorce?

10 A. She wanted a divorce because she no happy,
11 husband no take care of her.

12 Q. Was there anything else that she discussed
13 with you about her marriage?

14 A. Yes.

15 Q. What else?

16 A. He watch porn all the time and then he jerk
17 off.

18 Q. So she talked about him watching pornography
19 and masturbating?

20 A. Yes, and he no pay attention to her.

21 Q. Did she ever talk about her son?

22 A. Yes.

23 Q. What did she say about him?

24 A. She asked me a couple of times if she has a

1 divorce if she can take the baby.

2 Q. Anything else?

3 A. She tell me she smoke pot, you know.

4 Q. Was there anything else that Heather
5 discussed about her personal life with you?

6 A. No.

7 Q. Did you know how old her son was?

8 A. No.

9 Q. Did she talk about anything about her
10 husband not working?

11 A. Yes.

12 Q. What did she say about that?

13 A. She said her husband he doesn't have a job,
14 he no work, he is home all the time, he is a lazy
15 bum, he can't find a job.

16 Q. Did she say anything about why she was
17 working?

18 A. No.

19 Q. Did she ever say anything about what it was
20 like to have a baby?

21 A. No, no.

22 Q. Did you two ever have any physical contact
23 prior to May 19, 2001?

24 A. Physical contact, yes.

1 A. She went in the break room, she stand there
2 for a little while. I was with the soda machine
3 getting myself a soda. I ask him if she wanted
4 soda. She said, No, I'm all set. Then I go back in
5 the counter and that was it.

6 Q. What time of day was this?

7 A. It could have been maybe 4:00.

8 Q. What happened next that day?

9 A. What happening?

10 Q. Yes, what happened next?

11 A. We back in the area, she made a phone call,
12 call her friend.

13 Q. Who was that, do you know?

14 A. I believe it's Christine. She talked to
15 Christine. She said she coming over, if she wanted
16 to go get a bottle of wine, and Christine coming
17 over --

18 Q. Now do you know Christine?

19 A. Yes, she work over there. She work in the
20 money room. She worked Monday through Friday.

21 Q. She worked with you when you were there?

22 A. No.

23 Q. Did she have a different shift?

24 A. It's a different area.

1 A. Yes.

2 Q. Prior to this time, prior to that day, had
3 you ever touched a woman at work like you had
4 touched Heather that day?

5 A. No.

6 Q. No?

7 A. Never.

8 Q. And when you signed what's been marked as
9 Exhibit 4, the Sexual Harassment Policy, you read it
10 before you signed it, right?

11 A. Yes.

12 Q. And you understood it?

13 A. Yes.

14 Q. So let me ask you, Did you think that it was
15 appropriate for you to be touching Heather the way
16 you did that day?

17 ATTY. ROMANTZ: Objection.

18 A. We decided the both of us, so I had no
19 problem, because wasn't just my idea, it was both my
20 idea, so this has nothing to do with that.

21 Q. Well prior to the touching you two were
22 having discussion about her husband's sexual
23 behavior, weren't you?

24 A. Yes.

1 Q. But did you want it to stop?

2 A. Yes.

3 Q. You did?

4 A. Yes.

5 Q. Is that why you went to Chris to talk to him
6 about it, because you wanted it to stop?

7 A. No, I wanted Heather have a little bit of
8 clean mouth.

9 Q. You wanted her to stop talking about her
10 husband?

11 A. Yes.

12 Q. Was there anything else that you wanted
13 Heather to stop doing which is why you went to
14 Chris?

15 A. That's the only reason I went to Chris.

16 Q. Because you wanted her to stop talking about
17 her husband?

18 A. Yes.

19 Q. Was it about her husband in general or was
20 it just about the sexual things that she was talking
21 about with you that you wanted to stop?

22 A. In general.

23 Q. In general. You wanted her to stop in
24 general talking about her husband. So if she came

1 A. No.

2 ATTY. MCLEOD: I don't have any other
3 questions at this time. Based on the issues with
4 the joint defense agreement that has just been
5 raised, I will suspend, in the event that I'm able
6 to get further inquiry on the meeting that took
7 place yesterday, but other than that I think we are
8 done.

C E R T I F I C A T E

I, FRANCESCO CAMBRIELLO, do hereby certify that I have read the foregoing transcript of my testimony, and further certify that said transcript is a true and accurate record of said testimony (with the exception of the following corrections listed below):

Page	Line	Correction/Reason
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

signed under the pains and penalties of perjury
this _____ day of _____, 2005.


FRANCESCO CAMBRIELLO

1 Commonwealth of Massachusetts
2 Suffolk, ss.

3 I, Carol A. Pagliaro, Registered Professional
4 Reporter and Notary Public in and for the
5 Commonwealth of Massachusetts, do hereby certify
6 that FRANCESCO CAMBRIELLO, the witness whose
7 deposition is hereinbefore set forth, was duly sworn
8 by me and that such deposition is a true record of
9 the testimony given by the witness to the best of my
10 skill and ability.

11 I further certify that I am neither related to,
12 nor employed by, any of the parties in or counsel to
13 this action, nor am I financially interested in the
14 outcome of this action.

15 In witness whereof, I have hereunto set my hand
16 and seal this 25th day of April, 2005.

17
18
19
20 

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21 Carol A. Pagliaro, RMR

22 Notary Public

23 CSR No. 123293

24 My commission expires April 28, 2011